

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JIM CAGE,

Plaintiff,

v.

A. JOHNSON, et al.,

Defendants.

Case No.: 1:22-cv-01429-CDB (PC)

**ORDER GRANTING REQUEST FOR  
EXTENSION OF TIME WITHIN WHICH  
TO FILE OPPOSITION TO MOTION FOR  
SUMMARY JUDGMENT**

**21-DAY DEADLINE**

Plaintiff Jim Cage is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's Eighth Amendment excessive force claim against Defendant Rojas.

**I. BACKGROUND**

The Court issued its Discovery and Scheduling Order on January 25, 2024. (Doc. 26.)

Following the Court's grant of Defendant's two ex parte requests for extensions of time (*see* Docs. 35-38), on January 16, 2025, Defendant filed a motion for summary judgment. (Doc. 39.) Defendant's motion included a *Rand*<sup>1</sup> warning (Doc. 39-15), specifically addressing the requirements concerning an opposition to a motion for summary judgment. Despite the passage of more than 21 days, Plaintiff failed to file an opposition or statement of non-opposition to Defendant's motion.

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<sup>1</sup> *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998).

1 On February 19, 2025, the Court issued its Order to Show Cause (OSC) in Writing Why  
2 Sanctions Should Not Be Imposed for Plaintiff's Failure to File an Opposition or Statement of  
3 Non-Opposition. (Doc. 40.) Plaintiff was ordered to response to the OSC within 14 days, or,  
4 alternatively, to file an opposition or statement of non-opposition to Defendant's motion for  
5 summary judgment. (*Id.*)

6 On March 19, 2025, Plaintiff filed an untitled document, informing the Court he had been  
7 transferred to High Desert State Prison and was seeking an extension of time. (Doc. 41.)

## 8 II. DISCUSSION

9 Defendant filed a motion for summary judgment on January 16, 2025.<sup>2</sup> Plaintiff failed to  
10 timely respond or to seek an extension of time of the opposition deadline. The Court then issued  
11 an OSC directing Plaintiff to respond within 14 days. When more than 14 days plus time for  
12 mailing passed without a response from Plaintiff, the Court considered Defendant's motion for  
13 summary judgment to be unopposed.

14 Now, more than one month after his opposition to Defendant's summary judgment was  
15 due, Plaintiff requests an extension of time. He does not identify the length of the extension he  
16 seeks, stating only that he "is asking for an extension please." (Doc. 41.) Nor does Plaintiff state  
17 the date his transfer from California State Prison-Sacramento to High Desert State Prison  
18 occurred. (*Id.*)

19 This Court's Local Rules provide that the "[f]ailure of the responding party to file an  
20 opposition or to file a statement of no opposition may be deemed a waiver of any opposition to  
21 the granting of the motion and may result in the imposition of sanctions." *See* Local Rule 230(l).  
22 Although Plaintiff's failure to oppose Defendant's summary judgment motion was deemed a  
23 waiver of any opposition by the Court, presuming Plaintiff's institutional transfer occurred during  
24 the period he was to prepare and file an opposition to the pending motion, the Court will grant  
25 Plaintiff an extension of time within which to do so. Plaintiff will be afforded 21 days within  
26 which to file an opposition to Defendant's motion for summary judgment. No further extensions  
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28 <sup>2</sup> Plaintiff was forewarned Defendant would be filing a motion for summary judgment given Defendant's multiple requests to extend the dispositive motion filing deadline.

of time will be granted absent a showing of good cause.

**III. CONCLUSION AND ORDER**

Accordingly, the Court **HEREBY ORDERS** as follows:

1. Plaintiff's request for an extension of time (Doc. 41) is **GRANTED**;
2. Plaintiff **SHALL** file an opposition to Defendant's motion for summary judgment **no later than 21 days** from the date of this order; and
3. Any failure by Plaintiff to timely file an opposition to the pending summary judgment motion will result in the Court deeming an opposition to have been waived and the motion will be decided accordingly.

IT IS SO ORDERED.

Dated: **March 20, 2025**

  
UNITED STATES MAGISTRATE JUDGE